

REMARKS

This Amendment is submitted in response to the final Office Action mailed on April 25, 2005. Claims 1-24 are pending in this application. In the Office Action, Claims 1-2, 4, 6 and 8-10 are rejected under 35 U.S.C. §102 and Claims 3, 5, 7, 10-11 and 12-24 are rejected under 35 U.S.C. §103. In response, Claim 1 has been amended. This amendment does not add new matter. In view of the amendment and/or for the response set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-2, 4, 6 and 8-10 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,189,944 to Piche ("Piche"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Independent Claim 1 has been amended to recite, in part, a kiosk comprising at least one product additive storage area having at least one shelf. This amendment is fully supported in the specification, for example, at page 3, paragraph 7. Applicants respectfully submit that *Piche* fails to disclose every element of Claim 1.

Piche actually fails to disclose or suggest a number of elements of Claim 1. For example, *Piche* fails to disclose at least one product additive storage area having at least one shelf as required by Claim 1. In fact, a shelf is not even mentioned or suggested in *Piche*, especially as part of a product additive storage area. Although element 10 is said to be equivalent to the product additive storage area, it actually refers to an engine compartment which is specifically designed and used only for water storage. See, *Piche*, column 3, lines 38-44. Further, *Piche* does not teach or suggest that the engine compartment can be or is used to store anything else besides water. Regardless, the engine compartment in *Piche* has no shelves associated with it.

Piche also fails to disclose a biological sampling analysis and handling area. Instead, the hand sink 22 disclosed in *Piche* is said to be equivalent to the biological sample analysis and handling area. However, *Piche* fails to disclose or suggest the sink as having a biological sampling analysis capability or even teach or suggest it being used in such a manner. For the reasons discussed above, Applicant respectfully submits that Claim 1 and Claims 2-11 that depend therefrom are novel, non-obvious and distinguishable from the cited reference.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-2, 4, 6 and 8-10 under 35 U.S.C. §102(e) be withdrawn.

Claim 3 is rejected under 35 U.S.C. §103 as being unpatentable over *Piche* in view of U.S. Patent No. 6,098,346 to Miller et al. (“*Miller*”). Claim 5 is rejected under 35 U.S.C. §103 as being unpatentable over *Piche* in view of U.S. Patent No. 6,754,919 to Leaphart et al. (“*Leaphart*”). Claims 7, 10 and 11 are rejected under 35 U.S.C. §103 as being unpatentable over *Piche* in view of U.S. Patent No. 4,179,723 to Spencer (“*Spencer*”). Applicants respectfully submit that the patentability of Claim 1 renders moot the obviousness rejection of Claims 3, 5, 7 and 10-11 that depend from Claim 1. In this regard, the cited art fails to teach or suggest the elements of Claims 3, 5, 7 and 10-11 in combination with the novel elements of Claim 1.

In the Office Action, Claim 12 is rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,358,546 to Bebiak et al. (“*Bebiak*”) in view of U.S. Patent No. 6,291,533 to Fleischner (“*Fleischner*”). Applicants believe the rejection is improper and traverse for at least the reasons set forth below.

Independent Claim 12 recites, in part, a method for marketing a customized food product for a pet using a kiosk. For example, the method comprises, in part, providing the kiosk including at least one of a consumer interaction station, an analysis station and a workstation. Contrary to the Patent Office’s assertion regarding no suggestion to combine (Office Action, page 15), Applicants respectfully submit that, even if combinable, the cited references do not disclose or suggest all of the elements of Claim 12. For instance, *Bebiak* fails to disclose or suggest anywhere in the specification providing a kiosk including at least one of a consumer interaction station, an analysis station and a workstation as required by Claim 12. Similarly, *Fleischner* fails to disclose or suggest providing the kiosk including at least one of a consumer interaction station, an analysis station and a workstation. If fact, *Bebiak* and *Fleischner* fail to even disclose or suggest the use of a kiosk anywhere in the specification.

Applicants respectfully disagree with the Patent Office’s assertion regarding “using a kiosk for marketing a customized pet food product is merely an intended use.” See, Office Action, page 15. In fact, Claim 12 was previously amended to recite a method comprising, in part, providing the kiosk including at least one of a consumer interaction station, an analysis station and a workstation. Thus, the kiosk is not part of the preamble and is an element of Claim

12 regardless of what its intended use is. Moreover, *Bebiak* and *Fleischner* fail to disclose or suggest the use of any kiosk, especially a kiosk including at least one of a consumer interaction station, an analysis station and a workstation.

In sum, the combination of *Bebiak* and *Fleischner* do not teach, suggest, or even disclose the Claim 12, and thus, fails to render the claimed subject matter obvious for at least these reasons. For the reasons discussed above, Applicants respectfully submit that Claim 12 and Claims 13-19 that depend respectively therefrom are novel, non-obvious and distinguishable from the cited references.

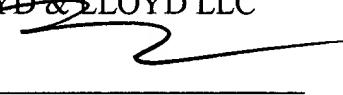
Accordingly, Applicant respectfully requests that the obviousness rejection with respect to Claims 12-19 be reconsidered and the rejection be withdrawn.

In the Office Action, Claim 20 was rejected for similar reasons set forth in Claims 1, 12 15, 17 and 18. Applicants believe this rejection is improper and traverse for at least the reasons set forth above. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to Claim 20 be reconsidered and the rejection be withdrawn. The patentability of Claim 20 renders moot the obviousness rejections of Claims 21-24.

For the foregoing reasons, Applicant respectfully requests reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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